

1 STATE OF OKLAHOMA

2 1st Session of the 60th Legislature (2025)

3 HOUSE BILL 1452

By: Shaw

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6 AS INTRODUCED

7 An Act relating to revenue and taxation; enacting the
8 Green Energy Subsidy Recapture Tax Act; defining
9 terms; providing for levy of tax based upon
10 electricity production from zero emission facilities;
11 specifying basis upon which tax to be computed;
12 prescribing reporting requirements; providing for
13 apportionment of revenue to the General Revenue Fund;
14 and providing an effective date.

15 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

16 SECTION 1. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 5601 of Title 68, unless there
18 is created a duplication in numbering, reads as follows:

19 This act shall be known and may be cited as the "Green Energy
20 Subsidy Recapture Tax Act".

21 SECTION 2. NEW LAW A new section of law to be codified
22 in the Oklahoma Statutes as Section 5602 of Title 68, unless there
23 is created a duplication in numbering, reads as follows:

24 As used in this act:

1. "Government entity" means the state, a county, a city, a
town, a school district, a public trust, or any other unit of

1 government which is defined to be a body politic and corporate or
2 which is considered for any purpose to exercise the powers of
3 government, but under no circumstances shall any for profit business
4 entity be considered a government entity for purposes of this act;

5 2. "Owner" means any:

- 6 a. person,
- 7 b. general partnership,
- 8 c. limited partnership,
- 9 d. limited liability partnership,
- 10 e. limited liability company,
- 11 f. corporation,
- 12 g. trust, or
- 13 h. other lawfully recognized business entity; and

14 3. "Zero emission facility" shall have the same meaning as
15 provided in Section 2357.32A of Title 68 of the Oklahoma Statutes
16 and includes production of electricity by means of:

- 17 a. wind power,
- 18 b. solar power,
- 19 c. geothermal power,
- 20 d. hydroelectric power.

21 SECTION 3. NEW LAW A new section of law to be codified
22 in the Oklahoma Statutes as Section 5603 of Title 68, unless there
23 is created a duplication in numbering, reads as follows:

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1 The purpose of this act is to provide revenue for general
2 government functions.

3 SECTION 4. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 5604 of Title 68, unless there
5 is created a duplication in numbering, reads as follows:

6 A. There is hereby levied upon the production of electric power
7 produced within the state by the owner of a zero emission facility
8 equal to the amount of the production tax credit authorized pursuant
9 to Section 45 of the Internal Revenue Code of 1986, as amended, that
10 could be claimed with respect to electric power produced from such
11 facility.

12 B. The tax levied by the provisions of this act shall be
13 imposed without regard to whether the owner of the zero emission
14 facility actually claimed or utilized any amount of the federal
15 production tax credit pursuant to Section 45 of the Internal Revenue
16 Code of 1986, as amended, with respect to the period during which
17 electric power was produced from the facility.

18 SECTION 5. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 5605 of Title 68, unless there
20 is created a duplication in numbering, reads as follows:

21 No electric power produced by any government entity shall be
22 subject to the levy imposed pursuant to the provisions of this act.

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1 SECTION 6. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 5606 of Title 68, unless there
3 is created a duplication in numbering, reads as follows:

4 A. The tax levied by this act shall be reported not later than
5 the fifteenth day of each month on such forms as may be prescribed
6 for such purpose by the Oklahoma Tax Commission.

7 B. The Tax Commission shall develop a system pursuant to which
8 the tax imposed by the provisions of this act may be reported and
9 paid electronically.

10 SECTION 7. NEW LAW A new section of law to be codified
11 in the Oklahoma Statutes as Section 5607 of Title 68, unless there
12 is created a duplication in numbering, reads as follows:

13 The tax shall be considered delinquent if not paid by the
14 fifteenth day of the month following the month the applicable report
15 was due.

16 SECTION 8. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 5608 of Title 68, unless there
18 is created a duplication in numbering, reads as follows:

19 The revenue derived from the provisions of this act shall be
20 apportioned to the General Revenue Fund.

21 SECTION 9. This act shall become effective October 1, 2025.

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